



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD)No.15728 of 2019

and

W.M.P. (MD)No.12465 of 2019

(Through video Conference)

Pitchai Muthuraja

.. Petitioner

Vs.

1.Government of Tamil Nadu
Represented by its Secretary,
Revenue Department,
Chennai.

2.The Assistant Commissioner,
Land Reforms,
Tiruchirappalli.

3.Rasathi

4.Rameshkumar

5.Veerammal

6.The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the sixth respondents from dispossessing the petitioner from the Vellore Village S.F.No.93/1B hec 0.44.0 acres of land and hec.93/1D 0.54.050 acres lands in Musiri Taluk, Trichy District.

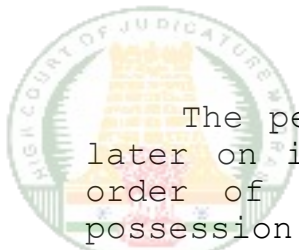
For Petitioner : No Appearance

For R1 to R5 : Mr.A.Thiruvdai Kumar
Additional Public Prosecutor

O R D E R

Today, there was no representation for the petitioner.

2.The short facts of the case are as follows:-



The petitioner was assigned 2 acre and 70 cents of lands and later on it was restricted to 2 acre and 44 cents of land by the order of the second respondent, dated 02.07.1977 and he was in possession and enjoyment and he never sold the above said land to anybody. In the above circumstances, one Sumathi w/o. Selvam of South Thiraniyampatti Village, fabricated unregistered sale deed on 01.06.1999 and forwarded the same to the second respondent/Assistant Commissioner, Land Reforms, Trichy and the Assistant Commissioner, Land reforms on receiving the petition passed the order on 10.09.1999 cancelling the assignment made in favour of the petitioner, without giving any opportunity. Further, the second respondent assigned 2 acre and 44 cents of the above said land to the above said Sumathi, in his order, dated 01.11.1999.

2.1.Later, the second respondent/Assistant Commissioner of Land Reforms, Trichy, cancelled the assignment issued in favour of Sumathi and restored the assignment in favour of the writ petitioner. Aggrieved by that, Sumathi filed an appel before the District Land Revenue Officer (Land Tribunal, Chennai) and that appeal was allowed by the Tribunal on 19.10.2000. The said order in favour of Sumathi was challenged by the petitioner by way of a writ petition. However, the same was dismissed. Against that dismissal order, he has preferred a writ petition in W.P.(MD)No.32213 of 2005 and the same is pending. While so, it is alleged that the sixth respondent/Inspector of Police at the instant of the fourth respondent is trying to dispossess the petitioner herein.

3.From the affidavit itself, it appears that the petitioner had after a long battle, had lost the title before the Revenue Court and the order of the Land Commissioner is under challenge in the writ petition.

4.Insofar as the complaint of the fourth respondent is concerned, the learned Additional Public Prosecutor would submit that based on the complaint given by the fourth respondent, the sixth respondent registered a case in Current Paper No.142 of 2019 and after considering the nature of the dispute which is purely a title dispute and civil in nature, they had instructed the parties to approach the appropriate forum to settle their dispute and the petition was closed on 27.09.2019.

5.In view of the above fact, this Court is of the view that since there is no threat of dispossession by the sixth respondent, nothing survives for further adjudication in this writ petition.



6. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

sjj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Secretary,
Government of Tamil Nadu,
Revenue Department,
Chennai.

2. The Assistant Commissioner,
Land Reforms,
Tiruchirappalli.

3. The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**W.P. (MD) No.15728 of 2019
21.01.2022**

RD(15.02.2022) 3P 5C